IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Crl.MC.No. 4572 of 2003()

CC.246/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI
C.C.NO.176/1999 OF JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI

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PETITIONER: 4TH ACCUSED

ABDUL NASSAR, S/O.SAITHALI,
VALLIATHODI VEEDU, KULAKKALLOOR AMSOM & DESOM,
OTTAPPALAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP.BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.M.C.No.4572 of 2003

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Dated this the 5th day of September, 2007

O R D E R

The petitioner is the fourth accused in C.C.No.176/1999 with respect to the offence under Section 498A read with Section 34 of the Indian Penal Code. The rest of the accused were tried and acquitted vide Annexure-B judgment. It is submitted that the petitioner is the brother-in-law of the de facto complainant and that he was working abroad. It is also submitted that the matter has been settled and compounding petition was filed.

I find that it can be seen from para-4 of Annexure-B judgment that the formal compounding petition was filed and none of the prosecution witnesses supported the prosecution case. In the circumstances, I find that no purpose will be served by further proceeding against the petitioner in the split up case, C.C. No.246/2002. This application is allowed. The proceedings in C.C.No.246/2002 in the court of Judicial Magistrate of the First Class, Pattambi, is herewith quashed.

K.R.UDAYABHANU,
Judge

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